IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23260 of 2004

Between:

Sant Shree Asaramji Ashram Trust, Bearing Regn.No. 1646, Vande

Matharam Market,
New Delhi, rep. by its Authorised Signatory Manoj Kumar Soni.

..... PETITIONER

AND

1 The Commissioner of Police, Basheerbagh, Hyderabad.
2 The Deputy Commissioner of Police, North Zone,Hyderabad.
3 The Asst. Commissioner of Police, Chikkadapalle,Hyderabad.
4 The Commissioner, Municipal Corporation of Hyderabad,
Tank bund, Hyderabad.
5 The Director of Sports, Municipal Corporation, Hyderabad,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus directing the Respondents herein to provide N.T.R. Stadium situated opposite Indira Park, Lower Tank Bund, Hyderabad to the petitioners Organisation for conducting Satsang of Shri Sant Asramji Bapu from 17-12-2004 to 19-12-2004 at 10.00 am to 12.30 p.m., and 3.00 p.m. to 5.30 p.m. (evening and pass such other order or orders.

Counsel for the Petitioner:MR.B.PURSHOTHAM REDDY

Counsel for Respondents No.1 to 5: MR.RAMA RAO GANTA

The Court at the stage of admission made the following ORDER:

Petitioner is a religious trust. It proposes to hold Satsang under the auspices of His holiness Shree Asaramji Bapu between 17.12.2004 and 19.12.2004 at Hyderabad. It submitted an application to respondents 1 to 3 to accord permission, under the relevant provisions of City Police Act. Similarly, it applied to respondents 4 and 5 to permit it to hold the Satsang at NTR stadium opposite to Indira park. The timings are said to be from 10.30 a.m. to 12.30 noon and 3.00 p.m. to 5.30 p.m.

The fifth respondent issued reply through letter dated 13.12.2004 expressing his inability to spare NTR stadium stating that in the light of the directions issued by a Division Bench of this Court in W.A.M.P.No.3347 of 2003 dated 30.10.2003, it is impermissible for him to accord any permission. So far as the police authorities are concerned, no order has been passed. Hence, this writ petition is filed seeking appropriate directions to the respondents.

When the matter was moved by way of lunch motion yesterday, time was granted to the learned Government Pleader for Home and the learned standing counsel for the Municipal Corporation to obtain instructions.

On behalf of respondents 1 to 3, the police authorities, it is stated that the session of the assembly is in progress and already several dharnas are taking place in the locality. It is also stated that holding of Satsang with such a large gathering, would result in traffic congestion and inconvenience to the local public. On behalf of respondents 4 and 5, it is stated that some of the local residents have approached this Court seeking directions not to permit the

Stadium to be used for any such gatherings, since the same is resulting in sound pollution and traffic congestion. They placed reliance upon an order passed by a Division Bench of this Court in W.A.M.P.No.3347 of 2003 in W.A.No.1938 of 2003.

Heard learned counsel for the petitioner, learned Government Pleader for Home and learned standing counsel for the Municipal Corporation of Hyderabad.

The petitioner trust intends to hold a Satsang for the devotees and other persons interested in the presence and under the auspices of His holiness Sri Asaramji Bapu, who is an internationally renowned spiritual personality. Apart from the fundamental rights guaranteed under Article 19(1) of the Constitution of India, the petitioner has the rights to arrange such functions, which are guaranteed under the other provisions of it. The controversy is about the time and place of holding the Satsang.

It is not as if holding of Satsang is going to result in any commotion in the public, or disturbance to any other individuals. On the other hand, it would have a soothering effect on the persons, who are in search of peace and intend to relieve themselves of the day-to-day tensions. The respondents are certainly entitled to take the precautionary measures ensuring the free flow of traffic and safety to the residents in the vicinity.

The fifth respondent cited the order of this Court referred to above, for refusing the permission. A perusal of the order of this Court discloses that it was made permissible for using the stadium for recreation and public purposes, including state functions. The prohibition was against using the stadium for dharnas, picketings etc. by using loud speakers with amplifiers disturbing the peace of the locality. A Satsang of the nature referred to above, cannot be treated as or compared with dharnas and picketings. So far as the sound pollution is concerned, necessary conditions can be imposed to the effect that the sound levels shall be maintained to the minimum possible extents and to ensure that no disturbance is caused to the local residents. The problem of traffic congestion also can be addressed by directing the petitioner to provide adequate parking place within the stadium.

Hence, the writ petition is disposed of with the following directions:

a. The respondents shall permit the petitioner to hold the Satsang on 17th, 18th and 19th of December, 2004 from 10.00 a.m. to 12.30 noon and 3.00 p.m. to 5.30 p.m. at NTR Stadium, Indira Park, Hyderabad. The petitioner shall be entitled to hold the Satsang in the timings referred to above;

b. The petitioner shall provide adequate parking place as well as the basic amenities to the persons who attend the Satsang, within the stadium;

c. The sound levels of the loud speakers shall be maintained in such a manner as not to disturb the local residents; and

d. There shall be no order as to costs.

15.12.2004

ksld

To

1 The Commissioner of Police, Basheerbagh, Hyderabad.
2 The Deputy Commissioner of Police, North Zone,Hyderabad.
3 The Asst. Commissioner of Police, Chikkadapalle,Hyderabad.
4 The Commissioner, Municipal Corporation of Hyderabad, Tankbund, Hyderabad.
5 The Director of Sports, Municipal Corporation, Hyderabad,

6 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad

(OUT)

7 Two CD copies.